



January 15, 2021

Hon. Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: United States v. Brent Borland, 18 Cr. 487 (KPF)**

Dear Judge Failla,

Mr. Borland's sentencing is currently scheduled for February 11, 2021. With the consent of the government, we respectfully request an adjournment of sentencing of approximately 30 days.

As the Court is aware, the parties originally expected to conduct a *Fatico* hearing in this case on a number of unresolved issues. Fortunately, the parties were able to work out their factual disputes and indicated to the Court in November that they were ready to proceed to sentencing in the New Year. Nonetheless, this remains an exceedingly difficult case with a serious sentencing exposure for Mr. Borland. Our sentencing memorandum will address a number of issues related not only to Mr. Borland's character and history, but also to his offense conduct and its complex history.

Although we had hoped to be able to complete the defense memorandum by January 28<sup>th</sup>, the difficulties we have encountered, primarily related to the pandemic, make meeting that goal, while balancing the needs of other clients, extremely difficult. Our client is located in Florida and while we have regular phone calls, our ability to prepare for sentencing with him has nonetheless been impeded. Furthermore, as the Court is aware, emergency applications related to the pandemic, such as continuing compassionate release motions, as well as the immediate needs of other, often incarcerated, clients regularly take us away from our preparations. Working primarily from home has also slowed our progress, as it has for many. Therefore, we are unfortunately not prepared to proceed with sentencing on February 11<sup>th</sup>, and respectfully request an adjournment of approximately 30 days, which will ensure effective representation of Mr. Borland at sentencing. As noted, the government consents to this request.

Thank you for your consideration.

Respectfully,

/s/

Florian Miedel  
Christopher Madiou  
*Attorneys for Brent Borland*

Cc: All Counsel